

Summary of Watershed-Based Mitigation Subcommittee Meeting

February 17, 2004, 10:00 AM - 2:30 PM

Old Wildlife Director's Conference Room, WDFW, 600 N. Capitol Way, Olympia

Attendees (note: initials used in discussion to indicate speaker):

- Dept. of Ecology: Stephen Bernath (SB)
- Dept. of Fish and Wildlife: Peter Birch (PB) (co-chair), Bob Zeigler (BZ), Margen Carlson (MC), John Carleton (JC)
- Dept. of Transportation: Dick Gersib (DG) (co-chair), Tim Hilliard (TH), Gary Davis (GD), Susan Everett (SE)
- Governor's Salmon Recovery Office: Phil Miller (PM)
- Northwest Indian Fisheries Commission: Darrel Phare (DP)
- Army Corps of Engineers: Kate Stenberg (KS)
- Applied Hydrology NW: Rick Anderson (RA)
- Association of Washington Cities: Ashley Probart (AP)
- Environmental and Economic Services: Bob Wubbena (BW)

Update: Peter Birch

Updates are the same as agenda items this month – The Phase 3 report and the I-405 / North Renton WS Characterization completion. Thanks to Rick for all he and his crew have accomplished. We are reporting to TPEAC next month on several watershed subcommittee issues.

Update on the Alternative Mitigation Policy Guidance Phase 3 Report: Rick Anderson and Bob Wubbena

RA: Thanks to all those who commented on the last draft. For the meeting today we will work mostly from the six recommendations in the executive summary of the document that was distributed. The goal is to make the Alternative Mitigation Policy Guidance Document (AMPG) more user-friendly. The document as it exists implies “alternatives” – in other words the “normal way” to do things is on-site, etc. We hope to make it more of a decision-making tool, to help choose between on-site and watershed-based mitigation.

Recommendation 1 – a key element in the phase 3 report is the idea of a “unified schedule” intended to facilitate work between the agencies – “nail people down” early in schedule.

BW: Each agency is different, and in an agency personalities and interpretations vary. There are many laws and rules, but is this the problem? Maybe not if interpretations were more uniform.

Exhibit 1-B is the timeline – based on various WSDOT timelines tied to needs of resource agencies. It reflects their needs and their public trust issues. This is intended to minimize

Summary of Watershed-Based Mitigation Subcommittee Meeting

potential problem points. It holds each of the agencies to the same schedule. Three decision report points document preliminary decisions and “ground rules.”

Watershed work is ongoing and transportation work is ongoing but the two worlds are not communicating. The “A” stage includes communication between the various agencies and the watershed groups. Report # 1 at end of “A” stage says “this is how we will do it.”

In the “B” stage we know more, details of the project and the impacts. This ends with report #2 using combined expertise of all.

RA: Recommendation 2 – watershed characterization should be early in the process so it can help drive design through a more complete understanding of the environmental impacts of the project. This could mean the formal “Gersib” style watershed characterization, a completed locally-produced watershed plan, or something simpler like what was discussed in the phase 2 Wubben report. This focus is on finding the most promising areas for off-site mitigation. It assumes at this point that all types of mitigation are acceptable.

Recommendation 3 – a common protocol is needed to allow common understanding. See exhibit 1-A. WSDOT uses a mix of on-site and off-site mitigation; this provides a decision-making matrix that would fit with existing rules and laws but facilitate understanding.

SB: Create a “team environment.”

RA: Recommendation 4 – work with local watershed planning groups of various kinds. Integrate planning and permitting. Today it is rare for watershed planners to work with permitting folks.

Recommendation 5 – use monitoring and adaptive management to show effectiveness.

Recommendation 6 – Test this approach on a “nickel package” project in an area with a high level of watershed planning.

Discussion:

- PM: Remember that the local plans might not be very site-specific. Some elements won’t be available without broad-based watershed planning in place. Local watershed work will enhance DOT watershed characterization but won’t always provide specific sites. There is a danger of taking a report out of context and “running with it.”
- RA: There is a continuum of watershed planning efforts from cursory to highly detailed.
- SE: Unified schedule is a good concept but experience with the Signatory Agency Committee (SAC) is that agencies wait until end of time periods and then often want more information.
- RA: The schedules would be tailored to needs of project, not standardized at set time periods.

Summary of Watershed-Based Mitigation Subcommittee Meeting

- SE: The team approach is handicapped when members question each other's areas of expertise – for example when permitting agencies question the need for transportation improvements.
- BW: The team approach will require upper management to agree that the agencies are experts in their own fields.
- SE: Will the concepts in this report be applied to all projects or will there be a screening tool?
- RA: Only certain ones; the test should be where it has the most chance of success.
- DG: Screening tool will be WSDOT internal tool for testing “when will we apply watershed approach?” There are three levels of characterization we recognize – “full-scale” characterization; watershed characterization “light” per phase 2 Wubbena report; and using existing products such as those provided by local watershed groups. But if we use less than the full watershed characterization, we run the risk of agencies being uncomfortable and asking for more information. This can slow the process down.

WSDOT uses best management practices (BMPs) on-site when it is cost-effective – these can be used “off the shelf” so are preferred by engineers. So a screening tool can ask “where is the watershed approach more cost-effective?” and “where can it help us meet our ad date?” Engineers would prefer to have watershed-based mitigation as a BMP so they can use it as easily as vaults and ponds.

How do we get to the point where engineers use watershed characterization? This brings us back to Stephen Bernath's “team environment” comment – a cultural shift at WSDOT.

- PB: There are two major variables – size of project and how well documented that watershed is.
- SB: We need to try the entire framework – where is it most helpful? Establish minimum requirements – what is the least info we need to make decisions on a watershed basis?

We are trying to change people on both sides of the question, regulatory as well as at Transportation. Engineers need to look up front at watershed information.

- SE: WSDOT has a responsibility to select the least costly reasonable alternative that meets the project's purpose and need, so when we go to the watershed approach we need to be cost-effective too.
- GD: It needs to be clear how the new ways to address stormwater relate to watershed characterization. Already we routinely look off-site for wetlands, fish habitat. We

Summary of Watershed-Based Mitigation Subcommittee Meeting

have the most to gain from stormwater mitigation. For this reason, our work should include proof that off-site stormwater mitigation works and is cost-effective.

- SB: ...in the context of the Highway Runoff Manual...
- SE: And, stormwater is the most expensive type of mitigation western Washington.
- RA: We need to know what is possible before we can tell if it is cost-effective.
- PM: Watershed characterization is expensive – does WSDOT have the will to do this up-front? Or just in some cases?
- BW: With upfront input it may cost more – or less – but clearly has greater environmental benefit to the watershed.
- PB: Can we specify how much expertise we need from the locals before we try to use watershed characterization?
- SE: Going back to the document in question; like the document's tone, likes the unified schedule concept, but thinks we need to be careful not to use terms with specific meaning under NEPA (for example, concurrence).

Is there any “penalty” when agencies do not meet expectations? Miss schedule, or change their mind?

- KS: In SAC they have made progress toward issue resolution protocols.
- BZ: Federal mitigation work ongoing now addressing issues like these, and WS-based NPDES concept is being discussed.
- SB: Where TMDL in place of course. Has not been done yet but makes sense as we have hundreds of TMDLs done now and many more each year.
- PM: So, what is next? Where are we going on this issue? Does steering committee need to give stamp of approval on the phase 3 report and on next steps?
- RA: We sent proposal to South Central Region of WSDOT to address US 12 near Walla Walla, response expected soon.
- PB: We need to focus on the next steps for the document.
- RA: Applied Hydrology doesn't have budget to do major work on document. Some more edits and comment response may be possible on current project budget. If they are budgeted for a pilot project, major updates of the document as part of that might be possible.

Summary of Watershed-Based Mitigation Subcommittee Meeting

- PB: So before next meeting we need to decide what changes might need to be addressed, if we are going to endorse it, if \$ needed to finalize, if we are recommending a pilot.
- DG: Document needs clarification re where watershed characterization fits in. Also, we are presenting watershed characterization at TPEAC in March so need to have timelines firmed up, etc.
- PB, SB: Are there major, substantive concerns? Fatal flaws?
- BZ, PM, DG: No, but we all need time to read carefully and comment as we see the need.
- PB: Consensus then – concerns but no fatal flaws. There is a need for a mechanism to address these concerns and put out a final draft.
- SB: Volunteer to take lead on developing a presentation for TPEAC on the issue.
- DG: Timelines: Subcommittee comments sent to all of the subcommittee by 2-27 so all can read. Part of subcommittee (read: those who can make it) will meet around 3-1 to discuss, finalize comments. ***But tell us all ASAP if there are fatal flaws!***

Update on Renton to Bellevue Watershed Characterization Case Study

Dick Gersib did a presentation on the case study. A shorter version will be presented at the TPEAC meeting in March.

PM: Web version difficult to read online. Can it be printed?

DG: Expensive to print due to many full color large format pages.

TH: Can provide on CD to those who wish. Will send to subcommittee.

Meeting adjourned 3:00 PM

Next Meeting:

There will be an interim meeting for those who wish to attend to discuss comments on the Phase 3 report. Information will be mailed to subcommittee.

Next subcommittee meeting: Tuesday, March 17th. Place will be announced.